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Rights to freedom of peaceful assembly and of association**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, submitted in accordance with Human Rights Council resolution 24/5.

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Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association

Summary

The present report addresses concerns about the exercise of the rights to freedom of peaceful assembly and of association in the context of multilateral institutions.

I. Introduction

1. This is the second report submitted to the General Assembly by the Special Rapporteur, upon the request of the Human Rights Council, in its resolution 24/5.

2. In the report the Special Rapporteur underscores that States should guarantee the free exercise of the rights to freedom of peaceful assembly and of association at all levels, within each State's jurisdiction and in the international arena. Increasingly, global governance is becoming fragmented and diffused among a broad range of multilateral entities, including the more well-known ones such as the United Nations and its specialized agencies. Others are less well-known or understood, and while they are opaque in their operations, their decisions have a profound impact on the lives of ordinary people in many countries across the globe. The Special Rapporteur hopes in this report to assess how multilateral organizations in their actions or omissions expand or constrain civic space.

3. The Special Rapporteur approaches the subject with the recognition that there have been and are a number of efforts/initiatives to strengthen civil society's participation at the multilateral level. He particularly notes the work of the Panel of Eminent Persons on United Nations-Civil Society Relations, Chaired by Fernando Henrique Cardoso, which extensively reviewed the relationship between the United Nations and civil society and produced a report that was submitted to the General Assembly (A/58/817) in 2004. The Special Rapporteur also acknowledges a variety of other multilateral agencies that have or are in the process of institutionalizing mechanisms for engaging civil society organizations and groups (as well as a broader array of stakeholders) such as the World Bank and the United Nations Environment Programme (UNEP). He is greatly encouraged by such initiatives and urges these institutions to ensure effective and meaningful avenues of engagement with civil society groups.

4. The Special Rapporteur benefited greatly for this report from participating in an expert meeting held on 27 and 28 June 2014 in Istanbul, Turkey. He would like to sincerely thank the organizers and participants of this meeting, and those who shared their experiences through other means, including in response to his questionnaire. The Special Rapporteur, in addition, took into account relevant elements of work available within the United Nations system.[1]

II. Conceptual and legal framework

5. In previous thematic reports to the Human Rights Council and the General Assembly, the Special Rapporteur has emphasized State obligations to ensure the free exercise of the rights to peacefully assemble and to associate at the national level. In this report, he examines State actions at the multilateral level and their impact, recognizing that such actions have repercussions on civil society's ability to engage and participate in social, economic, political and other pursuits. The Special Rapporteur considers that both an enabling environment for civil society and a vibrant civil society are indispensable for the enjoyment of the rights to freedom of peaceful assembly and of association.

[1] Some country situations mentioned in the present report have been the subject of communications sent to Governments, as well as press releases and reports issued by special procedures mandate holders and high-level United Nations officials.

6. In its most basic form, the concept of multilateralism is understood to involve three or more States acting jointly on a particular issue. Global governance is largely still thought of as revolving around States as the primary entities engaged in negotiating the interests of the world's citizens. These engagements may take place within formally structured institutions created by treaties or may take advantage of more flexible arrangements without formal mandates, treaties or legal powers. Interactions may be focused within a geographical area or may coalesce around issues of mutual interest. In this report, the focus is on multilateral institutions acting at the global level on a variety of interests.

7. In recent times, non-State actors have challenged the State-centric approach to global governance and are demanding a place at the negotiating table. Civil society in particular insists that discussions and decisions of multilateral institutions should focus on people's concerns and human rights rather than being confined to geopolitical and economic interests that primarily occupy States and corporations. The Special Rapporteur believes that the concept of multilateralism should be expanded beyond action by States alone to include the effective participation of a variety of voices within those States. With this in mind, the report highlights the challenges experienced by civil society actors in having an effective voice at the multilateral level.

8. The Special Rapporteur underlines the fact that "non-governmental organizations" (NGOs) are not synonymous with "civil society". NGOs are merely one component of civil society, and in some circumstances they may not be the most important sector for multilateral entities to consult. The concept of multi-stakeholder engagement should be extended to include more grass-roots groups and even spontaneous social movements, which may manifest themselves through peaceful assembly. Groups should not have to be organized or registered to be considered a serious stakeholder in multilateral affairs.

9. The Special Rapporteur notes that the rationales for restricting the rights to freedom of peaceful assembly and of association at the national level are broadly similar and related to those used to marginalize civil society at the multilateral level. Parallels include:

(a) Reporting that civil society organizations that express criticism of authorities and policies, including through demonstrations, are a threat to national security and public order;

(b) Using State sovereignty as a justification to limit assembly and association rights;

(c) Alleging that NGOs lack accountability and questioning their motives and interests at the national and international levels;

(d) Restricting access to resources, especially funding from foreign sources.

10. Shrinking space for civil society at the international level can also be attributed to Governments increasingly accommodating private sector contradictory interests with civil society. The Special Rapporteur broadly understands countries as comprising the public sector or government and non-state actors, the latter consisting of the for-profit private sector or business and the non-profit civil society sector, which covers a wide array of formations through which people join together to pursue mutual interests.

11. The theme of sectoral equity is one that the Special Rapporteur has referred to in his previous reports (see A/HRC/23/39 and A/HRC/26/29/Add.2). He has observed that Governments often treat businesses and civil society differently, even where no reasonable justification in accordance with international norms exists. For example, registration requirements for businesses are considerably less cumbersome and faster in Rwanda than requirements for registration of NGOs. Similarly, no special financial regulations at the global level exist to regulate the private sector as a whole, other than guidance for financial institutions in detecting terrorist financing. Yet recommendation 8 of the Financial Action Task Force on Money Laundering requires that laws and regulations of member States on non-profit organizations be reviewed so as to prevent abuse of such organizations for the financing of terrorism.[2] There is no evidence that the civil society sector is more prone than the private sector to money-laundering activities or terrorism-related financial activity or even that any such activity in the civil society sector justifies the sector-wide approach that the Task Force has adopted. Furthermore, States do not generally object to corporations investing capital from foreign sources in their jurisdictions in the same way they do if civil society organizations receive foreign funding.

12. Decision-making at the multilateral level appears to take a similar trajectory, where the private sector is playing an increasingly dominant role in implementing the global development agenda, compared to civil society involvement. The for-profit sector has a variety of avenues to impact the post-2015 development agenda. For example, corporate interests are represented and have been active in multiple forums that have an influence on the post-2015 agenda processes such as the High-Level Panel established by the Secretary-General, the United Nations Global Compact and the Sustainable Development Solutions Network. Indeed, the Economic and Social Council accreditation criteria for NGOs allow business organizations to participate as "civil society" despite the fact that they typically represent for-profit interests. The inequality in avenues available to corporate interests versus non-profit interests creates a power imbalance influencing global governance and its outcomes that favours for-profit interests.

13. The similarities in restrictions on civic space at the national and international levels suggest an interrelationship between the effective exercise of the rights to freedom of peaceful assembly and of association at the national level, and the effective participation by civil society at the multilateral level. Enabling environments for civil society should exist at both these levels. With the increased interconnectedness in domestic and international affairs, and with decision-making at the international level having a significant impact in national policies and practices, it is essential that such decisions are made in a transparent, accountable and participatory manner. The Special Rapporteur wishes to emphasize the legitimacy of civic action at the international level and underscores the need for States to listen to the views and voices of their constituents, whether they are expressed at the domestic or the international level.

14. The Special Rapporteur thus believes that the rights to freedom of peaceful assembly and of association — guaranteed at the national level in articles 21 and 22 of the International Covenant on Civil and Political Rights — are equally

[2] Best practices: Combating the abuse of non-profit organizations (recommendation 8). Available from www.fatf-gafi.org/topics/fatf/recommendations.

fundamental, and protected, at the international level. These rights are necessary in order to aggregate and amplify the voices of those who would otherwise not be heard on the multilateral stage. As the Special Rapporteur has stated previously, they serve as a vehicle for the exercise of many other civil, cultural, economic, political and social rights (see A/HRC/20/27). At the heart of the rights to freedom of peaceful assembly and of association is the obligation for States to create and ensure environments in which civil society can exist and thrive.

15. In order to provide robust protection to civic engagement at the multilateral level, it must be recognized that freedom of peaceful assembly and of association are inextricably intertwined with the right to take part in the conduct of public affairs, the right to freedom of opinion and expression, the right of access to information and other relevant rights, such as articles 25 and 19 of the International Covenant. The Human Rights Committee, in general comment 25, paragraph 5, recognizes the right to participate in public affairs to cover "all aspects of public administration, and the formulation and implementation of policy at international, national, regional and local levels". Similarly, the freedoms of opinion and expression are necessary components to ensuring that civic voices are heard at the multilateral platforms. For civil society to engage effectively in global decision-making, the right to access information is indispensable.

16. The understanding that assembly and association rights should be upheld at the national and international levels is implicit in the concept that civic engagement is essential for the functioning of a participatory, democratic government. States are obliged to uphold these human rights within their national jurisdiction and when they act at the international arena, whether individually, bilaterally or multilaterally. The Special Rapporteur considers that States are not exempt from upholding fundamental rights simply by moving their actions outside their domestic jurisdictions. If international human rights norms and standards are to be meaningful, States are bound to ratify and uphold them in all their activities.

17. The legitimacy of civil society participation at the international level is further affirmed by the Charter of the United Nations, which acknowledges that the Economic and Social Council may consult with NGOs concerned with matters within its competence. The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms in its preamble stated that the General Assembly recognizes "the right and the responsibility of individuals, groups and associations to promote respect for and foster knowledge of human rights and fundamental freedoms at the national and international levels". Article 5 of the Declaration recognizes the right of everyone, individually and in association with others, at the national and international levels, to communicate with non-governmental and intergovernmental organizations. These organizations have an implicit corresponding obligation to take action on such communications.

III. Actions at the multilateral level and their impact on the rights to freedom of peaceful assembly and of association

18. Multilateral institutions, as do States, bear the responsibility to recognize the positive role of peaceful protests and to create space in which civil society organizations can strengthen human rights and democracy. Indeed, multilateral

institutions play a key role in stimulating global public debate by strengthening the visibility of civil society organizations and by facilitating peaceful assembly within their structures and programmes.

19. Today, however, multilateral institutions find themselves caught between civil society's demands for real civic participation and inclusiveness and pushback from Governments which are uncomfortable with, or are threatened by, citizen involvement. The Special Rapporteur observes with concern how at the multilateral level the space and autonomy given to associations and people to exercise their fundamental rights is in far too many instances determined by world politics and limited and/or suspicious national conceptions of the role of civil movements in global societies.

20. In the last decade, the securitization of civil society "whereby civil society becomes viewed on the one hand as potentially functional to achieving global and national security goals, and on the other hand, as potentially threatening to the security of liberal democratic states" predominates.[3] The Special Rapporteur is concerned that the growing preoccupation of States with terrorism and security following the attacks of 11 September 2001 has discouraged the participative model of civil society. Instead, there is a tendency in many States to view associations and peaceful assemblies as threats to national stability and security. He also finds it worrisome to see national policies feeding back into the policies and actions of multilateral institutions, which allows bad practices to gain a sense of legitimacy; these are then often replicated elsewhere at the national level.

21. In this context, the safeguards adopted by multilateral forums to prevent human rights abuses become all the more important. It is also significant because multilateral institutions are uniquely positioned to help foster the rights to freedom of peaceful assembly and of association at the national level by pressing member States to comply with international laws and standards, or even requiring it.[4]

A. Norms regulating the rights to freedom of association and of peaceful assembly at the multilateral level

22. Most multilateral institutions recognize that citizens must be given a seat at the decision-making table and encourage — or even require — engagement with civil society in their charters or policies. Article 71 of the Charter of the United Nations, for example, states that the Economic and Social Council "may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence". Other examples include the World Trade Organization (WTO), the Community of Democracies and the World Bank (which at the time of writing was drafting a citizen engagement strategy). A more restrictive process is in place under the United Nations Convention against Corruption, prohibiting civil society from participating in the Implementation Review Group and working groups.[5] Civil society is involved in a civil society

[3] See Jude Howell, "Shifting global influences on civil society: times for reflection", in *Global Civil Society: Shifting Powers in a Shifting World*, eds. Heidi Moksnes and Mia Melin (Uppsala Centre for Sustainable Development, Uppsala, Sweden, 2012), p. 45.

[4] See Jackie Smith, "Transnational activism and global social change", in *Global Civil Society: Shifting Powers in a Shifting World*, p. 9.

[5] Resolution 4/6, Non-governmental organizations and the Mechanism for the Review of Implementation of the United Nations Convention against Corruption.

"Briefing Day", but is prohibited from mentioning any "specific country situation". Moreover, although civil society's participation is praised in article 13 of the United Nations Convention against Corruption (General Assembly resolution 58/4, annex), the terms of reference of the Mechanism for the Review of Implementation of the Convention make it optional for States parties under review to include civil society organization in different stages of the review process.

23. Civil society engagement policies are an important first step in ensuring the right to freedom of association at the multilateral level, but they are not enough by themselves.

24. Article 71 of the Charter of the United Nations, for example, is implemented primarily via the United Nations Committee on Non-Governmental Organizations, which recommends Economic and Social Council status for NGOs wishing to participate in the Council. Status is required of NGOs to attend and participate in many United Nations meetings, and to make statements before the Human Rights Council. The Special Rapporteur received numerous complaints that the process of obtaining Council status is long, complex, costly, beyond the capability of many small civil society organizations and impossible to obtain for informal organizations and grass-roots networks, in particular those which do not have access to the Internet. This has resulted in a perceived underrepresentation of smaller organizations, such as lesbian, gay, bisexual and transgender groups[6] and civic organizations from the Global South. In addition to these practical barriers, NGO applicants also face political ones. The Special Rapporteur reviews both in section IV below.

25. Effective engagement also requires a robust mechanism for ordinary citizens to submit information and complaints. Multilateral institutions should do more to expand their efforts in this area. The World Bank, for example, has the Office of the Compliance Advisor/Ombudsman and its Inspection Panel, an independent complaints mechanism for people and communities who believe that they have been, or are likely to be, adversely affected by a World Bank-funded project.[7] Although some have criticized these processes for failing to protect labour rights and not adequately guarding against discrimination, the concept of having such a complaint system is a good one and should be encouraged.

26. The United Nations does not have an individual complaint mechanism similar to the World Bank, although the Special Rapporteur welcomes the various human rights mechanisms put in place by the Human Rights Council which allow for individual complaints to be lodged, such as with the Special Procedures and the Complaint Procedure. In addition, the Universal Periodic Review (UPR) — also established by the Human Rights Council — allows civil society groups to submit information on the human rights situation of those countries under review. These initiatives encourage civil society participation at the multilateral level and should be replicated in other multilateral contexts.

27. The flow of information is crucial, and if civil society has limited access to information, they are at a disadvantage. The World Bank and other global financial

[6] "International Service for Human Rights, UN takes forward step on LGBT rights and backward step on sexual and reproductive rights". Available from http://www.ishr.ch/news/un-takes-forward-step-lgbt-rights-and-backward-step-sexual-and-reproductive-rights, 2 June 2014.

[7] For more information on the Panel, see http://ewebapps.worldbank.org/apps/ip/Pages/Home.aspx.

institutions tend to have reasonably comprehensive access to information policies, although they are not perfect. The United Nations has not yet adopted a general comprehensive policy on public access to information. Only in 2004 and after fierce campaigns of civil society did it begin providing online access to its documents to the global public.

28. Liberal access to information policies should be encouraged. These policies help keep multilateral institutions accountable and provide a model which citizens can cite in pressing their own Governments to become more transparent. The Global Transparency Initiative has released a Transparency Charter for International Financial Institutions, which the Special Rapporteur recommends as guidance for the access-to-information policies of all multilateral institutions.[8]

29. In addition to a good engagement policy allowing institutional access to organized associations, the Special Rapporteur also emphasizes the importance of recognizing the right to freedom of peaceful assembly as another key channel for constructive engagement. Multilateral institutions policies rarely, if ever, set forth comprehensive guidelines on the policing of assemblies. Rather, this duty is typically delegated to the national authorities where protests take place.

30. The Special Rapporteur cautions multilateral institutions against what he sees as a total absence of will to take stock of situations that are often created or exacerbated by their own projects and meetings. The Special Rapporteur is alarmed at the extremely high number of reported violations to the right of peaceful assembly during summits of multilateral institutions as regularly happens with the North Atlantic Treaty Organization (NATO) and the G20. The organizing States often react with determination to rein in the civil society multitude, using militarized security measures, cordoned-off zones for official meetings, repression of peaceful protesters, and a general reduction of space for democratic discussion with increasing penalties for public misbehaviour — rules that appear much more permanent than temporary and that receive the implicit consent of the multilateral summit organizers.

31. Private multilateral bodies, such as the International Olympic Committee and the Fédération Internationale de Football Association (FIFA) — which both wield enormous economic power to pressure countries hosting their lucrative events — are not exempt from the responsibility to respect, if not promote, universally recognized human rights. In spite of this, in its Charter the International Olympic Committee altogether bans demonstrations at their events[9] and FIFA's secretary-general openly stated with apparent impunity that "less democracy" or even oppressive military Governments is "better for organizing a World Cup".[10] The Special Rapporteur is of the opinion that the requirements for transparency and accountability of multilateral institutions, whether private or public, expand as power and influence increase. In addition, he considers that the failure to encourage and facilitate peaceful assembly represents a lost opportunity for engagement.

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[8] Transparency Charter for International Financial Institutions: Claiming our Right to Know. Available from www.ifitransparency.org/doc/charter_en.pdf.

[9] Olympic Charter, in force as of 9 September 2013 (www.olympic.org/documents/olympic_charter_en.pdf).

[10] See www.reuters.com/article/2013/04/24/us-soccer-fifa-idUSBRE93N18F20130424.

32. The Special Rapporteur is convinced that day-to-day operational policies of multilateral institutions can have an impact on the right to freedom of peaceful assembly, even if this impact is subtle.

33. The United Nations Development Programme (UNDP) in Kenya and Malawi, for example, has a requirement that money from their "basket funds" cannot be used for protests. The Special Rapporteur finds this requirement inappropriate, given the fundamental nature of the right to freedom of peaceful assembly. Conversely, the United Nations Office of the High Commissioner for Human Rights (OHCHR) monitors public assemblies in countries where it has field presences, such as in Cambodia — and may also intervene with authorities to remedy violations of demonstrators' right of assembly. However, this does not apply consistently everywhere OHCHR has a field presence, for example, the OHCHR office in Ethiopia does not carry out programming on human rights at the national level.

34. Multilateral institutions also wield significant influence over individuals' right to freedom of association with others.

35. Since 2001, the Financial Action Task Force on Money Laundering (FATF) has been trying to introduce guiding principles for and robust oversight mechanisms over civil society organizations to achieve security goals. FATF is an intergovernmental organization based at the headquarters of the Organisation for Economic Co-operation and Development (OECD) and founded in 1989 on the initiative of the main economic council of wealthy nations (the G7). FATF argues in a recommendation paper of 2013 for action against the misuse of non-profit organizations for the financing of terrorism[11] and in a report of 2014 demands that countries review the adequacy of laws and regulations that relate to entities than can be abused for the financing of terrorism.[12] This call has been followed by a wave of new restrictions worldwide on funding for civil society. Many of these restrictions, unfortunately, do nothing to legitimately advance the fight against money-laundering and terrorism. Rather, the battle against crime and terrorism has been used by some States as a cover for imposing politically motivated restrictions on civil society funding. The Special Rapporteur thus remains concerned about the risk of over-regulation that FATF recommendations introduce (see A/HRC/23/39). FATF and other regulatory regimes also have an impact on the business-friendliness of countries, and blurred lines may be interpreted bluntly to comply and protect the economy, to the detriment of the right of associations to operate freely.

36. The Special Rapporteur views FATF and other similar regulations as posing a serious, disproportionate and unfair threat to those who have no connection with terrorism, including civil society organizations.

B. Practice of the rights to freedom of association and of assembly at the multilateral level

37. The Special Rapporteur believes that the protection of rights of assembly and association at the multilateral level starts with good policy, but it can be effective only when paired with good practices. On a day-to-day basis, engagement with civil society is often determined more by informal decisions than by centralized policy.

[11] Best practices: Combating the abuse of non-profit organizations (recommendation 8). Available from www.fatf-gafi.org.

[12] Risk of Terrorist Abuse in Non-profit Organisations. Available from www.fatf-gafi.org.

38. Protection of the right to freedom of association at the multilateral level begins with ensuring the effective participation of civil society. It is not enough to say that associations are allowed to exist. Citizens must be given a seat at the decision-making table. Otherwise, multilateral institutions run the risk of becoming private clubs where States implement policy sheltered from public view and input.

39. Since its inception with 41 organizations in 1945, the Economic and Social Council has granted consultative status to about 4,000 NGOs. It was the first venue to include NGOs in formal deliberations of the United Nations. In the 1990s, it widened their role and allowed NGOs to access influential national-level organizations. However, attempts to increase and diversify access were soon met with financial and security considerations — the sheer number of NGOs began to be seen as too costly and as a security threat. The Special Rapporteur received numerous reports suggesting a feeling of discouragement of some of these organizations, in particular the smaller ones, to go through the application process, in addition to other challenges elaborated in section IV.

40. The Special Rapporteur is also concerned that the various United Nations bodies, including the World Intellectual Property Organization (WIPO), the United Nations Conference on Trade and Development (UNCTAD), the International Labour Organization (ILO), the World Trade Organization (WTO) all require different and uncoordinated processes of registration of NGOs — the only commonality being that they are all burdensome. Furthermore, it has been brought to the Special Rapporteur's attention that the International Telecommunication Union (ITU), which deals with the whole information technology sector, is currently made up exclusively of States and private companies. ITU also charges exorbitant membership fees, meaning civil society is unlikely to gain access soon, unless they are exempted from payment.

41. In addition, the Special Rapporteur notes with concern the uneven level of civil society engagement and participation among various United Nations bodies. While he recognizes positive United Nations processes, such as the Major Groups Facilitating Committee of the United Nations Environment Programme (UNEP), the Special Rapporteur regrets that since 2010 NGOs have been significantly impeded in their attempts to participate as observers in the United Nations Convention against Corruption.

42. Similarly, regional multilateralism also sways from inclusive to more restrictive approaches towards civil society recognition and involvement. The Special Rapporteur received reports, for example, stressing that it can be difficult to keep regional human rights mechanisms independent within multilateral institutions with an intergovernmental structure. He discourages practices which minimize or prevent interactions with civil society organizations.

43. The Special Rapporteur also believes that a pro-civil society organization culture within multilateral organizations is crucial. Such a culture should be rooted in the attitude that the organization is an agent dedicated to upholding ideals and effecting change, rather than a bureaucracy built to maintain the status quo. There must also be a willingness to call out Member States who fail to respect fundamental rights. Stating that some issues are "too political" — as the World Bank allegedly did when Human Rights Watch warned them that the Government was

closing space for civil society in Egypt[13] — is not acceptable. Finally, it should be acknowledged that a strong civil society sector is essential for multilateral institutions' effectiveness, as it is often the best source of information on the ground.

44. Moreover, multilateral institutions should improve their outreach and communications efforts. They often work on dense, technical subjects that can contain excessive jargon. This can make their materials difficult for laypeople to understand, particularly if the text is not in their native language. The problem extends to the accessibility of information online, for example where websites are difficult to navigate and are not user-friendly. The Special Rapporteur thus urges multilateral institutions to be conscious of a wider public looking into their work, to step out from the shadows of technical language and make greater efforts to make their work more accessible to lay audiences, both online and offline.

45. Practical accessibility is also important. Most multilateral institutions do not maintain a large number of country offices, meaning there is little opportunity for day-to-day engagement with local civil society. This problem may arise from a lack of adequate resources. For example, of the three pillars of the United Nations work, peace and security, and development receive the largest share of funds, while human rights receives only 3 per cent of the total United Nations budget. In addition, States may decline to allow field presences to some multilateral entities or hamper the effective operations of existing field offices.

46. A human rights activist from Malaysia noted that in his country he felt that there are no "good" or "bad" experiences in dealing with multilateral institutions; there are simply "no experiences". The lack of a local presence means that power and access remains concentrated at headquarters — many located in North America and Western Europe, two of the world's regions for which it is most difficult to obtain visas. Efforts to bridge this geographic gap have been mixed. In this regard, the Special Rapporteur encourages the increased use of information technology and the creation of independent grant schemes to fund a more diverse array of civil society organizations to participate in multilateral consultations and events.

47. Many multilateral institutions now hold regional or local consultations as a way to improve engagement with local civil society organizations, but the Special Rapporteur has received reports that implementation is uneven. One source said that the World Bank, for example, has put together some excellent consultations, but that many feel as if they are indifferent and done to "tick the box" of including civil society. Indeed, one source referred to them mockingly as "insultations".

48. Many complaints focused on the selection of attendees at consultations and the failure to take the "multi-stakeholder" model seriously. The World Bank 2012 consultation on its Country Assistance Strategy in India, for example, was labelled a "farce" by a group of more than 20 civil society organizations.[14] They claimed that the World Bank invited only a select group of NGOs, deliberately avoiding the ones

[13] "Human Rights Watch, A Human Rights Agenda for the World Bank's New President", 27 April 2012. Available from www.hrw.org/news/2012/04/27/human-rights-agenda-world-bank-s-new-president.

[14] Bank Information Centre, "The World Bank's Country Assistance Strategy (CAS) 2013-2016 Consultation is Farce", 31 May 2012. Available from www.bicusa.org/indian-civil-society-groups-world-banks-cas-consultation-is-farce/.

which are critical of World Bank policies, or are working on the social and environmental impacts of the projects funded by the World Bank. Similarly in Indonesia, civil society organizations claimed that consultations ahead of a $70 million investment from the World Bank-administered Forest Investment Program were non-transparent and "non-inclusive of peoples' participation". Civil society organizations felt that the project would "bring benefits to private businesses in the forestry sector only".[15]

49. The exclusion of local associations or grass-roots groups from consultation processes is sometimes rationalized based on their inability to "speak the language" of multilateral institutions. This results in a disproportionate number of professionalized NGOs being involved in consultation processes. The inclusion of professionalized groups is not bad per se, but the Special Rapporteur believes that "capacity" assessments are often backwards: sometimes it is the multilateral forum that "lacks capacity" to reach out to local grass-roots groups, whether that capacity is technical, linguistic or otherwise. Multilateral institutions should redouble their efforts to meaningfully consult a wider variety of groups and make diversity of opinion the paramount factor in guiding their consultation processes.

50. Civil society participation should also be evaluated in comparison with other sectors, particularly the for-profit businesses sector. Space at the multilateral level, particularly in the finance-related multilaterals, is often occupied disproportionately by for-profit interests — i.e., large banks and corporations. They may wield more financial resources, but this should not automatically rank it as a pre-eminent representative of a country or region. Again, sectoral equity is key: civil society representatives should be given the same access, input and power as the private for-profit sector.

51. Multilateral institutions should likewise consider reprisals against local civil society leaders who participate in and/or collaborate with them on their projects. Multilateral institutions must take aggressive action when such reprisals take place, including by intervening in specific cases and publicly condemning the Member State(s) involved.

52. Civil society organizations also report increasing challenges in accessing multilateral institutions and a reluctance by multilaterals to promote peaceful assemblies out of fear of instability. Currently, in a world more than ever marked by security considerations (see A/HRC/20/27, paras. 20-23), the Special Rapporteur cautions against the practice of certain multilateral institutions to politically frame civil society and censure peaceful assemblies, hiding behind security justifications.

53. As noted in the previous section, multilateral entities have a responsibility with respect to policing assemblies and promoting the right to freedom of peaceful assembly. However, the practices of multilateral institutions do not always support assembly rights in places where they operate.

54. The United Nations Resident Coordinator Office in Kenya (UN-Kenya), for example, recently joined the Kenya Private Sector Alliance in a joint statement discouraging opposition-led rallies planned for 7 July 2014.[16] This example also

[15] Bretton Woods Project. Forest Investment Program (FIP), CIFs Monitor 8, 23 October 2013. Available from www.brettonwoodsproject.org/2013/10/forest-investment-program-fip/.

[16] "Joint communiqué by the Kenya Private Sector Alliance and the United Nations Systems", 3 July 2014. Available from http://kassfm.co.ke/home/index.php/component/k2/item/813.

raises the issue of "sectoral equity", with UN-Kenya supporting the business community's call for "stability" at the expense of ordinary peoples' fundamental rights.

55. Another example is the World Bank's practice of completely delegating the monitoring of assemblies to local police. Despite the legitimate security concern surrounding World Bank buildings, designated as embassies, the repeated mass arrests, including of bystanders, journalists and tourists, make it difficult and frightening for anyone to participate in or observe World Bank-related demonstrations. Similar examples, such as the excessive force used by authorities during the so-called "Battle of Seattle" surrounding WTO meetings in 1999 stand out as practices that should be combated robustly by multilateral institutions.

56. Moreover, multilateral institutions should also note the complex effects of the projects they sponsor. In addition to involving all relevant parties in the initial phases, they should closely monitor local policing to ensure compliance with international law and best practice,[17] as too often local protests against projects funds by multilateral institutions are violently repressed.

IV. Actions by States which impact on the exercise of the rights to freedom of peaceful assembly and of association at the multilateral level

57. States are primarily responsible and accountable for facilitating and protecting human rights — including the rights to freedom of peaceful assembly and of association — within their borders. This obligation, however, does not cease with respect to the enjoyment of these rights in the context of multilateral organizations of whom States are members. By accessing foundational treaties of intergovernmental organizations which allow for the engagement of citizens, States have an equal obligation to ensure that citizens can exercise their rights to freedom of peaceful assembly and of association in multilateral arenas.

A. State policies pertaining to the exercise of the rights to freedom of peaceful assembly and of association at the multilateral level

58. The Special Rapporteur welcomes a series of initiatives/policies from Member States aimed at ensuring that civil society can make their voices heard at multilateral forums.

59. Ireland, in its response to the questionnaire sent by the Special Rapporteur, together with Chile, Japan, Sierra Leone and Tunisia, led the adoption of an important resolution in the Human Rights Council on ensuring a safe and enabling environment for civil society (see Council resolution 24/21). In paragraph 5 of the resolution, the Council emphasizes the essential role of civil society in subregional,

[17] A positive example of this occurred in 2002, after a Government brutal crackdown on a protest in Cambodia. A World Bank official condemned the crackdown, calling it "unacceptable ... You can't talk about participation and consultation on one hand and beat people who express their opinions on the other." Available from www.cambodiadaily.com/archives/world-bank-rips-handling-of-forestry-protest-36495/.

regional and international organizations, including in support of the organizations' work, and in sharing experience and expertise through participation in meetings in accordance with relevant rules and modalities and, in this regard, reaffirms the right of everyone, individually and in association with others, to unhindered access to and communication with subregional, regional and international bodies, in particular the United Nations, its representatives and mechanisms.

60. Several countries, including Ireland, other European Union countries and Mexico, have sought to secure engagement by civil society when negotiating modalities for United Nations conferences and other events. Importantly, Ireland has encouraged multilateral organizations to strengthen their dialogue with civil society organizations and where possible develop links with them in their area.

61. In October 2013, the Government of Lithuania, in collaboration with the Civil Society Section of the OHCHR, organized a one-day seminar, held in Vilnius, with a view to informing local NGOs on ways to engage with the United Nations human rights mechanisms and contribute to the strengthening of interaction between the United Nations system and civil society. It included in the response from Lithuania to the questionnaire sent by the Special Rapporteur, a presentation on how to file an application for Economic and Social Council status before the NGO Committee. Ireland has provided specific support to civil society organizations to engage at the multilateral level, including through partnerships with a number of NGOs which build the capacity of local civil society actors to interact with multilateral institutions.

62. Portugal has reportedly been using new information technologies in relation to human rights education, information and awareness-raising efforts. It has also established a national human rights committee to meet on a regular basis with civil society actors to discuss the reports of Portugal submitted to United Nations bodies, the follow-up given by the authorities to the recommendations of these bodies, and other issues related to the multilateral human rights agenda in the response from Portugal to the questionnaire sent by the Special Rapporteur.

B. State practices pertaining to the exercise of the rights to freedom of peaceful assembly and of association at the multilateral level

63. While committing to the principles of genuine participation of civil society in multilateral arenas, some States have in practice hampered such participation.

64. States have repeatedly targeted individuals because of their advocacy work in multilateral arenas. Such acts of reprisals are of utmost concern to the Special Rapporteur.

65. There have been repeated instances of reprisals against individuals, or their relatives, participating or seeking to participate in sessions of the Human Rights Council. The most dramatic forms of retaliation involved the loss of lives. For instance, Cao Shunli, a Chinese human rights defender who worked on increasing citizen inputs to the preparations of China's UPR, was arrested in September 2013 before boarding her flight to Geneva to participate in a human rights seminar and observe China's UPR. She was subsequently charged with the crime of "provocation". While in detention, her health dramatically deteriorated as she was

allegedly denied medical treatment. She died on 14 March 2014.[18] In December 2008, Edwin Legarda, an indigenous leader and husband of Aida Quilcué Vivas, was killed by security forces on his way to collect his wife at the airport. She was returning from Geneva, where she had participated in the UPR session of Colombia. Six former members of the military were subsequently arrested, tried and sentenced to 40 years' imprisonment.[19]

66. Other forms of reprisals include threats from State officials for delivering statements at the Council (e.g., Bahrain,[20] Bangladesh,[21] China,[22] India,[23] Malawi,[24] Sri Lanka,[25] and Yemen[26]); acts of torture and ill-treatment (e.g., Israel[27] and United Arab Emirates[28]); arbitrary arrest and detention (e.g., China[29] and Viet Nam[30]); acts of surveillance (e.g., Bangladesh[31] and United Arab Emirates[32]); and confiscation of passport/travel bans (e.g., China, Israel,[33] Saudi Arabia,[34] United Arab Emirates,[35] Viet Nam[36]).

67. Activists from Bahrain,[37] Malawi,[38] Sri Lanka[39] participating in Human Rights Council sessions have had their names and pictures taken by State representatives and reproduced in local newspapers and social media, and been accused of tarnishing the image of their respective countries. In Malaysia, the Coalition of Malaysian NGOs (COMANGO) was the subject of a smear campaign run by various groups after it had made submissions to Malaysia's second UPR in 2013.[40] A local newspaper and Islamic organizations made inflammatory comments against COMANGO, and the Malaysian Ministry of Home Affairs subsequently declared it illegal, before backtracking on its position a few months later.[41] In Saudi Arabia, civil society activists who participated in United Nations forums to report

[18] See also "Deadly reprisals: UN experts deplore the events leading to the death of Chinese human rights defender Cao Shunli, and ask for full investigation (18 March 2014)". Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14394&LangID=E.

[19] The reported killing of Edwin Legarda was the subject of a joint urgent appeal to Colombia on 29 December 2008 by Special Procedures mandate holders.

[20] See A/HRC/21/18, paras. 15-24.

[21] See A/HRC/18/19, paras. 25-27.

[22] See A/HRC/27/38, paras. 17-20.

[23] Ibid., paras. 24-26.

[24] Ibid., para. 51.

[25] See A/HRC/21/18, paras. 38-46.

[26] See A/HRC/14/19, paras. 48-51.

[27] See A/HRC/27/38, para. 25.

[28] Ibid., paras. 37-38 and 45.

[29] Ibid., paras. 17-20.

[30] Ibid., paras. 39-40.

[31] See A/HRC/18/19, para. 26.

[32] See A/HRC/27/38, paras. 37-38.

[33] Ibid., para. 25.

[34] Ibid., para. 30.

[35] Ibid., para. 38.

[36] Ibid., para. 40.

[37] See A/HRC/18/19, para. 20; A/HRC/21/18, paras. 18-19; and A/HRC/24/29, para. 19.

[38] Ibid., para. 51.

[39] See A/HRC/14/19, paras. 40-43; A/HRC/21/18, paras. 38 and 41-43; and A/HRC/27/38, paras. 31-34.

[40] The reported smear campaign against COMANGO following its intervention at the UPR was the subject of a joint urgent appeal to Malaysia on 22 January 2014 by Special Procedures mandate holders (see A/HRC/26/21).

[41] See A/HRC/27/38, para. 28.

on human rights violations in the country have been labelled as "terrorists" or acting against Islam.[42]

68. Civil society actors communicating with United Nations treaty bodies were similarly subject to reprisals. In 2012, a human rights defender from Belarus was temporarily forbidden to leave the country after he participated in an NGO briefing to the Committee against Torture on Belarus during its forty-seventh session.[43] In 2013, two Cuban NGO representatives were harassed and intimidated by a State official and members of government organized NGOs during the fifty-fifth session of the Committee on Discrimination against Women.[44] In 2013, the premises of an Egyptian NGO were raided and members arrested after having cooperated with the Committee on Economic, Social and Cultural Rights.[45] In 2010, several indigenous organizations from Guatemala were subject to a smear campaign following their participation in the seventy-sixth session of the Committee on the Elimination of Racial Discrimination.[46] In 2012, two NGOs were charged under the Russian foreign agent legislation following submissions they made to the Committee against Torture during the consideration of the fifth periodic report of the Russian Federation.[47]

69. The Special Rapporteur remains deeply concerned about the enforced disappearance of the Laotian human rights defender Mr. Somphone in December 2012. Prior to his disappearance, Mr. Somphone had been involved in the organization of the Asia-Europe People's Forum held alongside the Asia-Europe Meeting Summit in November 2012. He had tried to address alleged threats from officials against the participants of the People's Forum who had spoken out against the practice of land grabbing. Moreover, in Azerbaijan, in January 2013, law enforcement authorities arrested a large group of peaceful protestors in Baku a few days after a delegation of human rights defenders returned from an advocacy trip to the Council of Europe. During that trip, the delegation had welcomed the adoption of a resolution by the Parliamentary Assembly of the Council of Europe expressing concern about the human rights situation in Azerbaijan.

70. The Special Rapporteur warns against the chilling effect of reprisals on civil society actors, often forcing them to censor themselves. He stresses the obligation of States to provide full protection to those who participate or seek to participate in multilateral arenas.

71. The Special Rapporteur welcomes the initiatives of many States to address instances of reprisals against those interacting in multilateral arenas, such as the joint statement made by Botswana, on behalf of 54 States, highlighting that the current response by the United Nations and the Member States in preventing and addressing reprisals is inadequate.[48] In this context, a group of States have been supporting resolutions condemning reprisals against those cooperating with the United Nations, its representatives and mechanisms in the field of human rights. The latest resolution in this regard, Human Rights Council resolution 24/24, reaffirmed

[42] Ibid., para. 30.
[43] See A/HRC/21/18, paras. 22-23.
[44] See A/HRC/27/38, para. 21.
[45] Ibid., para. 23.
[46] See A/HRC/18/19, paras. 75-76.
[47] See A/HRC/24/29, para. 31.
[48] See A/HRC/27/38, para. 3.

the right of everyone to have full access to and communicate with international bodies, urged States to take appropriate preventive and accountability measures, and requested the Secretary-General to appoint a United Nations-wide senior focal point dealing with reprisals (see Council resolution 24/24). In this regard, the Special Rapporteur echoes his joint statement pointing out that reprisals are a "critical challenge facing the United Nations system and its human rights mechanisms. The designation of a focal point on this issue is currently under discussion at the General Assembly. We look forward to the designation of the focal point as soon as possible."[49]

72. The Special Rapporteur has also been apprised of challenges regarding the accreditation process within the United Nations. As he mentioned above, the Committee recommends NGOs applying for consultative status to the Economic and Social Council members. This Committee is composed of 19 Member States: five from Africa, four from Asia, two from Eastern Europe, four from Latin America and the Caribbean, and four from Western Europe.[50]

73. Pursuant to Economic and Social Council resolution 1996/31, part I, the Committee on Non-Governmental Organizations in considering applications for consultative status with the United Nations "should ensure, to the extent possible, participation of non-governmental organizations from all regions, and particularly from developing countries, in order to help to achieve a just, balanced, effective and genuine involvement of non-governmental organizations from all regions and areas of the world".

74. The Special Rapporteur is concerned that the Committee has on several occasions acted in a manner contrary to the spirit of resolution 1996/31. He was informed that the Committee has arbitrarily deferred applications for consultative status of NGOs, several for many years. As of April 2014, out of the 48 organizations which have had their accreditations repeatedly deferred, 46 work on human rights issues, such as children and women's rights, minorities and country situations: e.g., the Asia Centre for Human Rights (since 2008), the Child Rights Information Network (since 2010), the Iran Human Rights Documentation Centre (since 2010) and the Global Network for Rights and Development (since 2011). The Committee has reportedly addressed either repetitive or irrelevant questions to such organizations. The case of the International Dalit Solidarity Network, an international NGO focusing on caste-based discrimination and other forms of discrimination based on work and descent, is particularly troubling: since 2008, the Network has received 64 written questions from the Committee, all raised by India. It is now the longest pending application before the Committee.

[49] Statement of the United Nations Special Procedures Mandate Holders on the occasion of Human Rights Day, 10 December 2013. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14082&LangID=E.

[50] For the period 2011-2014, the following States are members of the Committee: Belgium, Bulgaria, Burundi, China, Cuba, India, Israel, Kyrgystan, Morocco, Mozambique, Nicaragua, Pakistan, Peru, Russian Federation, Senegal, Sudan, Turkey, United States of America and Venezuela (Bolivarian Republic of). For the period 2015-2019, the following States are members of the Committee: Azerbaijan, Burundi, China, Cuba, Greece, Guinea, India, Iran (Islamic Republic of), Israel, Mauritania, Nicaragua, Pakistan, Russian Federation, South Africa, Sudan, Turkey, United States of America, Uruguay, and Venezuela (Bolivarian Republic of).

75. Moreover, in May 2014, the Committee voted the closure of the application of the Fundación Centro para la Apertura y el Desarrollo de América Latina, at the request of Cuba (with the support of China, the Russian Federation and the Bolivarian Republic of Venezuela), which claimed that the organization is engaged in "subversive activities".[51] Furthermore and despite repeated attempts, the NGO Human Rights in China has yet to be accredited by the Committee owing to the opposition of the Government of China, which has questioned the legitimacy of the organization.[52]

76. NGOs working on sexual orientation and gender identity issues in particular have faced difficulties in obtaining consultative status. Since 2011, only four such organizations have been recommended by the Committee. Nine other organizations were accredited because the Economic and Social Council quashed negative recommendations by the Committee.

77. Additionally, the Committee places obstacles to accredited NGOs by intentionally deferring consideration of the quadrennial reports that they are requested to produce. In January 2014, the Committee deferred 11 reports of NGOs, including Human Rights Watch, following questions from Cuba and the Russian Federation.[53] In addition, the Committee postponed further consideration of all 23 previously deferred quadrennial reports of organizations such as Amnesty International, Freedom House, Human Rights First, International PEN, and Reporters sans frontières international (see E/2014/32 (Part I)).

78. The Committee has also decided on the suspension or withdrawal of the consultative status of NGOs in a manner which does not comply with the provisions of Economic and Social Council resolution 1996/31. For example, in July 2010, 31 NGOs and groups sent a joint letter to Ambassadors to the Economic and Social Council expressing concern about the decisions made by the Committee calling for the suspension of the consultative status of Interfaith International and Centre Europe-Tiers Monde/Third World International for two years, at the request of Pakistan and Turkey, respectively; and the withdrawal of the consultative status of the General Federation of Iraqi Women, at the request of Iraq. According to the signatories of the letter, "the process used by the Committee to decide on the suspension or withdrawal of the status of these NGOs was hurried and failed to respect the procedural safeguards required by Economic and Social Council resolution 1996/31. In particular, the process did not allow the NGOs a reasonable opportunity to respond to the allegations against them."[54]

79. The Special Rapporteur is similarly concerned about the so-called "no-objection" procedure which allows for the participation of NGOs without consultative status in United Nations high-level events, unless States object to it. However, States which object do not have to provide any justification and remain anonymous. The Special Rapporteur was informed that States have increasingly

[51] See www.un.org/News/Press/docs/2014/ecosoc6619.doc.htm.

[52] "NGOs evolving relationship with the United Nations". Available from www.un.org/esa/desa/desaNews/desa34.html.

[53] "More NGOs gain access to the UN, but arbitrary blockades remain for many". Available from www.ishr.ch/news/more-ngos-gain-access-un-arbitrary-blockades-remain-many.

[54] Committee on NGOs draft decisions to suspend and withdraw NGO consultative status, joint letter by 31 NGOs, 13 July 2010. Available from www.files.ishr.ch/public/other-docs/100713-Letter-ECOSOC-Committee-NGOs.pdf.

used this procedure to restrict the access of NGOs in several meetings at United Nations Headquarters, for instance during the 2013 high-level meeting of the General Assembly on the realization of the Millennium Development Goals for persons with disabilities, the 2013 high-level dialogue on international migration and development, and the high-level meeting on rule of law.

80. The Special Rapporteur finds all these practices deeply disconcerting, and believes that they profoundly undermine the ability of the United Nations to constructively engage with civil society. States sitting on the Committee should champion the right to freedom of association and the right to freedom of peaceful assembly. In this context, he voiced concern about the election of Azerbaijan to the Committee after criminal charges were filed against three of that country's most prominent human rights defenders.[55] His concerns only increased after the three were convicted.

81. On a positive note, some States within the Committee have expressed support to human rights organizations. The Special Rapporteur praises Belgium, Chile, Mexico and Uruguay, among others, for their role in combating attempts by peer members to arbitrarily dismiss applications of NGOs.

82. To counterbalance critical voices at home and abroad, States have resorted to sending GONGOs (government-operated NGOs) to multilateral arenas. Such organizations have made statements, and organized side-events in the margins of sessions, in support of States' policies (e.g. GONGOs from the Islamic Republic of Iran and the Sudan). While the Special Rapporteur recognizes that they are a manifestation of the exercise of the right to freedom of association, he notes with concern that such organizations have often monopolized the space meant for independent associations. In his view, multilateral institutions should strike a balance, bearing in mind the principles of broad-mindedness, tolerance and diversity of voices.

83. The Special Rapporteur has also been informed of disconcerting practices by some State officials during sessions of the Human Rights Council and International Criminal Court's Assembly of States Parties to throw away civil society's leaflets made available on tables.

84. Another issue of concern brought to the attention of the Special Rapporteur by many civil society activists is the inhospitable visa regimes in countries where multilateral organizations are located, such as Switzerland and the United States of America.

85. In addition, it appears that States often do not inform their population about forthcoming multilateral events and decisions taken or to be taken in multilateral forums.

V. Conclusions and recommendations

86. **The Special Rapporteur reiterates that the ability to peacefully assemble and freely associate is a key aspect of a vibrant democracy and critical for development. In today's globalized world, the meaning and practice of**

[55] See "UN experts urge Azerbaijan to drop charges against human rights defenders", 9 May 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14582.

democracy stretches beyond national boundaries. Multilateral entities thus have positive responsibilities to actively protect peaceful assemblies and to establish and maintain an enabling environment for civil society. This is all the more valid when multilateral institutions claim to represent States, which are the primary actors accountable for the respect and promotion of civil liberties. In addition, the Special Rapporteur underlines the obligation of States to protect and facilitate the rights to freedom of peaceful assembly and of association of those engaging with multilateral institutions.

87. **The Special Rapporteur calls, therefore, upon multilateral institutions to:**

(a) **Implement thorough and consistent policies that emphasize the importance of substantive engagement with civil society organizations and recognize that participation at the multilateral level is an inherent component of the right to freedom of association. Such a policy should grant civil society:**

(i) **Full and effective participation in all activities (including planning, agenda setting, decision-making and policymaking);**

(ii) **Access to all meetings, processes and bodies (including through the final stages of decision-making) at all levels;**

(iii) **Speaking rights in all meetings, as a rule, with the same opportunities as Governments and private sector entities to express views and opinions;**

(iv) **The right to submit documents equivalent to Member States;**

(b) **Open up the engagement process with smaller, local civil society organizations including grass-roots groups, spontaneous social movements and civil society organizations which deal with marginalized groups;**

(c) **Encourage diversity of perspectives and geography among civil society organization representatives;**

(d) **Introduce an independent grant system — similar to the Lifeline concept — to help facilitate the attendance and participation of smaller, local civil society groups at key consultations, meetings and gatherings;**

(e) **Increase use of information technology, such as videoconferencing and online tools, to encourage greater and more diverse civil society participation in multilateral processes;**

(f) **Implement a system to continually test how responsive their actions and policies are to peoples' needs on the ground, including regular surveys and consultations with local civil society;**

(g) **Undertake studies on comparative good practices in civil society engagement, with recommendations on critical areas for improvement in accordance with international standards, and establish accountability mechanisms, such as the World Bank's Inspection Panel. Such a system should also include a means for individuals and organizations to file a complaint if they believe they have been subject to reprisals because of their cooperation with — or action to oppose — the multilateral organization or one of its programmes;**

(h) Ensure that heads of multilateral institutions publicly denounce each and every instance of reprisals;

(i) Designate a focal point on reprisals within each multilateral institution;

(j) Make their materials — including websites, reports, press releases, and other written materials — more accessible to non-technical audiences, both online and offline, and in multiple languages;

(k) Ensure that they have comprehensive and fair access to information policies in place, and that these policies include, inter alia, guarantees of timely and easy access to all information and documents, a limited list of specific exemptions, a public interest test, and an independent appeals board. In this regard, the Special Rapporteur recommends The Global Transparency Initiative's Transparency Charter for International Financial Institutions[56] as a model;

(l) Have strict internal guidelines governing the policing of assemblies, rather than simply handing this function over to local authorities. These guidelines should mirror international law and good practices. Moreover, multilateral organizations should not organize major events likely to draw protests in locations where they cannot receive assurances that local authorities have the political will and technical capacity to uphold international standards. The Special Rapporteur also strongly recommends that multilateral institutions require domestic authorities to produce a report detailing how demonstrations, protests and other public gatherings around international events were managed by police, and that such reports be made public.

88. **The Special Rapporteur calls upon the United Nations specifically to:**

(a) Reform the Committee on Non-Governmental Organizations to prevent Member States from blocking accreditation applications with perpetual questioning and to unilaterally vetoing applications. The reform process should be guided by the principle that the United Nations functions best when it is accessible to the greatest diversity of voices possible;

(b) Continue to support the Secretary-General's recently instituted "Rights Up Front" policy.[57] The Special Rapporteur welcomes this policy and hopes it has a positive impact on the United Nations promotion of human rights;

(c) Promote human rights in all United Nations work and to understand that all staff and agency actions, policy and work often has a profound impact on the human rights landscape — even if these staff and agencies are not working directly on human rights;

(d) Select OHCHR, as the United Nations agency with preeminent expertise on human rights issues, to take the leading role in the implementation of human rights issues, including where States put resources in "basket funds" at the national level.

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[56] See footnote 8.

[57] Rights Up Front, May 2014. Available from www.un.org/sg/rightsupfront/doc/RuFAP-summary-General-Assembly.htm.

89. **The Special Rapporteur also calls upon States to increase funding to the human rights pillar of the United Nations work.**

90. **Moreover, the Special Rapporteur calls upon States members of multilateral institutions to:**

(a) **Based on the provisions of Human Rights Council resolution 24/24 on cooperation with the United Nations, its representatives and mechanism in the field of human rights:**

(i) **Prevent and refrain from all acts of reprisals against those engaging or seeking to engage with multilateral institutions;**

(ii) **Adopt and implement specific legislation and policies, and issue appropriate guidance to national authorities to effectively protect those engaging or seeking to engage with multilateral institutions;**

(iii) **Ensure accountability for any acts of reprisal through impartial, prompt and thorough investigations of any acts of reprisal, and access to effective remedies for victims;**

(iv) **Consider establishing national focal points on reprisals;**

(b) **Publicly condemn all acts of reprisal by State and non-State actors against those engaging or seeking to engage with multilateral institutions;**

(c) **Refrain from unduly preventing NGOs from obtaining accreditation with multilateral institutions, arbitrarily withdrawing accreditations, or deferring the examination of periodic reports of accredited organizations;**

(d) **Refrain from using government-organized NGOs to stifle independent voices in multilateral arenas;**

(e) **Refrain from throwing away/destroying leaflets and other documents produced by civil society actors and made available in multilateral arenas;**

(f) **Facilitate the issuance of visas for those seeking to engage with multilateral bodies based on their territory;**

(g) **Duly inform the population within their territory about forthcoming multilateral events and decisions taken or to be taken in multilateral forums.**

91. **Furthermore, the Special Rapporteur calls upon civil society actors to:**

(a) **Support the participation of fellow actors who are less aware of/proficient in procedures governing the participation within multilateral institutions, in particular local civil society organizations, grass-roots groups, spontaneous social movements and civil society organizations dealing with marginalized groups;**

(b) **Continue to report on human rights violations and abuses against those engaging or seeking to engage with multilateral institutions.**

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Sixty-ninth session
Item 69 (b) of the provisional agenda*
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Human rights and international solidarity**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Independent Expert on human rights and international solidarity, Virginia B. Dandan, in accordance with Human Rights Council resolution 26/6.

* A/69/150.
** Late submission.

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Report of the Independent Expert on human rights and international solidarity

Summary

The Independent Expert on human rights and international solidarity, Virginia B. Dandan, submits the present report in accordance with Human Rights Council resolution 26/6. The present report provides information on the progress of the work of the mandate since the previous report to the General Assembly in 2013, notably, on the draft declaration on the right of peoples and individuals to international solidarity that the Independent Expert submitted to the Council at its twenty-sixth session in June 2014.

The present report seeks to contribute to the current process of formulating the future sustainable development goals so that they are consistent with universal human rights standards, focusing on the value added to those goals when they are framed and informed by the right to international solidarity.

The main feature of the present report, contained in section IV, is a brief analysis of the proposed draft declaration on the right to international solidarity focusing on three areas of concern relevant to the future goals: overcoming inequality and ending poverty and discrimination; building effective and accountable institutions and peaceful societies; international cooperation: strengthening implementation and revitalizing global partnerships. The conclusion section of the report contains salient points from the emergent right to international solidarity to illustrate its critical role in the effective implementation and outcome of a future United Nations development agenda beyond 2015.

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I. Introduction

1. At its twenty-sixth session, the Human Rights Council extended the mandate of the Independent Expert on human rights and international solidarity for a period of three years in resolution 26/6 of June 2014. The Council welcomed the report of the Independent Expert and the work conducted by her, taking note with appreciation of the proposed draft declaration on the right of peoples and individuals to international solidarity contained in the annex to her report.[1] In the same resolution, the Council decided that, in order to gather the input of as many Member States as possible on the proposed draft declaration, regional consultations in a workshop format are to be convened by the Independent Expert, and in this connection requested the Office of the United Nations High Commissioner for Human Rights to assist her in organizing these regional meetings. The Council also requested the Independent Expert to consolidate and consider the outputs from all the regional consultations and to submit to the Council at its thirty-second session a report on those meetings. It further requested her to submit a revised draft declaration to the Council and the General Assembly, before the end of her second term.[2]

2. The submission to the Council of the proposed draft declaration on the right of peoples and individuals to international solidarity,[3] or simply the right to international solidarity henceforth, marks a milestone for the mandate of human rights and international solidarity. The document is a consolidation of contributions from various experts of the United Nations, academia and civil society, particularly non-governmental organizations, in addition to the results of studies, activities and work done by two successive mandate holders with the assistance of the Advisory Committee of the Human Rights Council.

3. The work of the Independent Expert in developing the proposed draft declaration, moved through three methodological stages, in sum: first, laying the conceptual and normative basis of international solidarity; second, moving beyond basic definitions of the concept of international solidarity towards giving meaningful content to international solidarity as a human right; and, third, crafting the proposed draft declaration. This approach was undertaken mindful that although by and large, there was no apparent disagreement by States as to the importance of international solidarity for the realization of human rights, there were some conceptual issues that needed to be addressed and clarified.

4. During the process of developing the contents of the proposed draft declaration, the Independent Expert undertook other activities pertaining to the mandate-related areas of focus. Her formal engagement in the post-2015 development agenda began with her participation in the United Nations Conference on Sustainable Development held in Rio de Janeiro, Brazil, 2012, and the People's Summit for Social and Environmental Justice, held in parallel to the Conference on Sustainable Development, where she spoke on the role of international solidarity in the global agenda on sustainable development, urging States and civil society to work together, building on their commonalities and surmounting differences in the spirit of partnership and mutual respect for the sake of our common future. In its

[1] A/HRC/26/34 and Add.1.
[2] A/HRC/26/L.16.
[3] A/HRC/26/34, annex.

resolution 21/10, the Council welcomed the participation of the Independent Expert in the United Nations Sustainable Conference on Development and encouraged her continued active involvement in the post-2015 development agenda. Subsequent Council resolutions have reiterated this same request, with a view to promoting and stressing the role of international solidarity as a key element in the achievement of a sustainable and more inclusive development.

5. It is in this context that the Independent Expert has closely followed and actively participated in, where possible, the progress and advances made in the post-2015 development process, including the various outcomes of conferences and consultations, at the international and regional levels. In the present report, the Independent Expert explores the application of the various provisions of proposed draft declaration on the right to international solidarity, to the illustrative goals that have been recommended by the High-level Panel of Eminent Persons on the Post-2015 Development Agenda, together with the proposed sustainable development goals of the Open Working Group of the General Assembly on Sustainable Development Goals.

II. Moving forward on future sustainable development goals

6. A letter dated 30 May 2013, from the Co-Chairs of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda to the Secretary-General, accompanied the Panel report, *A new global partnership: eradicate poverty and transform economies through sustainable development*. The report contains the recommendations of the Panel on the development agenda beyond 2015, envisioning a universal agenda driven by "five big transformative shifts", describing the fifth as "the most important transformative shift towards a new spirit of solidarity, cooperation, and mutual accountability that must underpin the post-2015 agenda", namely, leave no one behind; put sustainable development at the core; transform economies for jobs and inclusive growth; build peace and effective, open and accountable institutions for all: and forge a new global partnership.[4]

7. The High-level Panel believes that the following 12 illustrative goals must interact to provide results:[4]

(i) End poverty;

(ii) Empower girls and women and achieve gender equality;

(iii) Provide quality education and life-long learning;

(iv) Ensure healthy lives;

(v) Ensure food security and good nutrition;

(vi) Achieve universal access to water and sanitation;

(vii) Secure sustainable energy;

(viii) Create jobs, sustainable livelihoods and equitable growth;

[4] United Nations, *A New Global Partnership: Eradicate Poverty and Transform Economies through Sustainable Development: report of the High-level Panel of Eminent Persons on the Post-2015 Development Agenda* (United Nations publications, Sales No. E.13.I.10).

(ix) Manage natural resource assets sustainably;

(x) Ensure good governance and effective institutions;

(xi) Ensure stable and peaceful societies;

(xii) Create a global enabling environment and catalyse long-term financial change.

8. In the same report, the High-level Panel reiterated its vision contained in its 2013 Bali communiqué of a renewed global partnership "... that enables a transformative, people-centred and planet-sensitive development agenda which is realized through the equal partnership of all stakeholders. Such partnership should be based on the principles of equity, sustainability, solidarity, respect for humanity and shared responsibilities, in accordance with respective capabilities".[5]

9. The introduction to the proposal of the Open Working Group for Sustainable Development Goals states its mandate contained in the outcome document of the Conference on Sustainable Development, "The future we want" (resolution 66/288, annex): to develop a set of sustainable development goals for consideration and appropriate action by the General Assembly. This mandate was also the basis for the conceptualization of the sustainable development goals that should be "coherent with and integrated into the United Nations development agenda beyond 2015".[6] For the purposes of the present report, it is important to note that the Working Group stated in paragraph 4 of the introduction that people are at the centre of sustainable development and reaffirmed the commitment to fully implement the agreements and decisions made at United Nations international conferences, naming each one in paragraph 6.

10. In all, there are 12 illustrative goals recommended by the High-level Panel and 17 proposed sustainable development goals by the Open Working Group, where the latter set encompasses all of the elements in the former, albeit in a different formulation. The two set of goals, along with their respective targets, covers a broad spectrum of issues reflecting the social, economic and environmental dimensions of sustainable development. It is interesting to note that, on the one hand, the twelfth and last of the illustrative goals is to create a global enabling environment and catalyse long-term financial change, without referring in particular to "global partnerships". On the other hand, the seventeenth and last goal of the proposed sustainable development goals prescribes strengthening the means of implementation and revitalizing the global partnership for sustainable development. The targets together cover finance, technology, capacity-building, trade, systemic issues, multi-stakeholder partnerships, data, monitoring and accountability. In effect, these two last goals mirror goal 8 of the Millennium Development Goals: develop global partnerships for development.

11. The two sets of goals overlap or have strong commonalities, but although they are directly related to the enjoyment and exercise of human rights, they are not couched in human rights terms and are not explicitly linked to existing human rights treaty obligations of States. In this regard, it should be recalled that the report of the

[5] Bali communiqué of the High-level Panel, 28 March 2013; available from www.un.org/sg/management/hlppost2015.shtml.

[6] The full report of the Open Working Group is available from: www.sustainabledevelopment.un.org/focussdgs.html.

United Nations System Task Team on the Post-2015 Development Agenda, "Realizing the future we want for all", which was highlighted in the initial input of the Secretary-General to the Open Working Group (A/67/634), calls for a development agenda beyond 2015 that must, inter alia, integrate the core values of human rights, equality and sustainability; and that the agenda should be truly global, with shared responsibilities for all countries, implying at the same time, a redefinition of the global partnership for development (A/67/634, para. 9). This statement echoes the vision of the High-level Panel that the transformative shift will require adopting a new mind-set, moving past business as usual thinking and thus, a new global partnership will require altering everyone's world view, profoundly and dramatically.[4]

III. Overview of the proposed draft declaration on the right of peoples and individuals to international solidarity

12. The proposed draft declaration characterizes international solidarity as the convergence of interests, purposes and actions between and among peoples, individuals, States and their international organizations, in order to preserve the order and ensure the very survival of international society, and to achieve common goals that require international cooperation and collective action based on the international normative system of duties that they implement and practise to foster peace and security, development and human rights.[7]

13. The right to international solidarity is a fundamental human right by which peoples and individuals have the freedom to enjoy, on the basis of equality and non-discrimination, the benefits of a harmonious international society with a just and fair international political and economic order, in which all human rights and fundamental freedoms may be fully realized. Notably, the proposed draft declaration makes the point that the right to international solidarity draws on human rights norms and principles that are already codified in international legal documents and that therefore this right encompasses existing entitlements along with the obligations of States that are well established in international human rights treaties. Furthermore, it articulates the rights that peoples and individuals have, individually and in association with others, within their territories and extraterritorially beyond national boundaries and as provided for in human rights and other applicable international instruments.[8]

14. The proposed draft declaration identifies the rights holders as "peoples and individuals" and indicates to whom the word "peoples" applies, in addition to the dominant and more familiar paradigms like indigenous peoples and minorities. The term "peoples" encompasses those who are marginalized or excluded and/or unrepresented, such as local and grass-roots communities that live in remote and isolated villages; groups in social spheres across national borders like transnational and diaspora communities; transnational advocacy networks; and virtual communities of individuals who are connected through the Internet and digital media.[9] The characteristic feature of these groups is that they exist outside larger civil societies and organizations but together share and develop similar values and

[7] See A/HRC/26/34, annex, art. 1.

[8] Ibid., art. 5.

[9] Ibid., art. 6.

world views and, as such, are structured in some way.[10] This resonates with the following words of the High-level Panel:

> "This is a world of challenges, but these challenges can also present opportunities, if they kindle a new spirit of solidarity, mutual respect and mutual benefit, based on our common humanity and the Rio principles".[4]

and the words of the Open Working Group:

> "People are at the centre of sustainable development and in this regard, Rio+20 promised to strive for a world that is just, equitable and inclusive ... thereby to benefit all ... without distinction of any kind such as age, sex, disability, culture, race, ethnicity, origin, migratory status, religion, economic or other status."[11]

IV. United Nations development agenda beyond 2015: proposed future sustainable development goals through the lens of the draft declaration on the right to international solidarity[3]

15. In the discussion that follows, the 17 proposed sustainable development goals, referred to simply as "proposed goals", will be the main topics of analysis inasmuch as they also mirror the 12 illustrative goals. The proposed goals are clustered under major themes parallel to the contents of the proposed draft declaration on the right to international solidarity. This thematic approach is a holistic view of the interlinked and multi-dimensional development issues involved and is at the same time consistent with the universality, the indivisibility and the interrelatedness of human rights. The proposed sustainable development goals are as follows:

(i) Proposed goal 1: End poverty in all its forms everywhere;

(ii) Proposed goal 2: End hunger, achieve food security and improved nutrition and promote sustainable agriculture;

(iii) Proposed goal 3: Ensure healthy lives and promote well-being for all at all ages;

(iv) Proposed goal 4: Ensure inclusive and equitable quality education and promote life-long learning opportunities for all;

(v) Proposed goal 5: Achieve gender equality and empower all women and girls;

(vi) Proposed goal 6: Ensure availability and sustainable management of water and sanitation for all;

(vii) Proposed goal 7: Ensure access to affordable, reliable, sustainable and modern energy for all;

(viii) Proposed goal 8: Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all;

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[10] D. Newman, as cited in K. De Feyter, Towards a Framework Convention on the Right to Development (2013, Geneva: Friedrich Ebert Stiftung).

[11] Introduction to the proposal of the Open Working Group for Sustainable Development Goals (2014), para. 4; available from www.sustainabledevelopment.un.org/focussdgs.html.

(ix) Proposed goal 9: Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation;

(x) Proposed goal 10: Reduce inequality within and among countries;

(xi) Proposed goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable;

(xii) Proposed goal 12: Ensure sustainable consumption and production patterns;

(xiii) Proposed goal 13: Take urgent action to combat climate change and its impacts;

(xiv) Proposed goal 14: Conserve and sustainable use the oceans, seas and marine resources for social development;

(xv) Proposed goal 15: Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss;

(xvi) Proposed goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels;

(xvii) Proposed goal 17: Strengthen means of implementation and revitalize the global partnership for sustainable development.

16. This discussion is not intended to be a comprehensive analysis, as that would require far more than the limitations of the present report will allow. Furthermore, while there is no intention to prejudge the proposed goals, some salient issues will nevertheless be pointed out for consideration where appropriate. This part of the report seeks to contribute to ongoing discussions on a development agenda beyond 2015 that is consistent with universal human rights standards, focusing on the value added to the future sustainable goals when they are framed and informed by the right to international solidarity. While bearing in mind that the proposed draft declaration is not yet in its final form, it is emphasized that the right to international solidarity is drawn from the freedoms and entitlements already codified in international human rights treaties reflecting core economic, social and cultural rights and civil and political rights, the right to development and international labour standards, complemented by other responsibilities arising from voluntary commitments and decisions in the various relevant fields at the bilateral, multilateral, regional and international levels.[12] It is thus in the context of these international instruments from which the right to international solidarity in its present draft form derives its applicability and relevance to the international human rights instruments specifically referred to in the discussion that follows.

A. Overcoming inequality and ending poverty and discrimination

17. In the absence of a definition of poverty in the proposed goals, poverty is understood to be implicit in the identified targets of proposed goal 1. Even if there is no single globally accepted definition of poverty, it should be defined not only by

[12] A/HRC/26/34, annex, art. 5 (3).

how it is measured, but also by its relational and other qualitative factors. A definition of poverty is critical because it has implications on its solutions. Since value judgments are inevitable in defining poverty, there is no "correct" definition. Until recently, poverty was narrowly defined as insufficient income to buy a minimum basket of goods and services. Today poverty is understood more broadly as the lack of basic capabilities to live in dignity (E/C.12/2001/10). From a human rights point of view, and in particular in line with the International Bill of Human Rights, poverty may be defined as "... a human condition characterized by sustained or chronic deprivation of the resources, capabilities, choices, security and power necessary for the enjoyment of an adequate standard of living and other civil, cultural, economic, political and social rights" (E/C.12/2001/10). Extreme poverty has been defined as "... the combination of income poverty, human development poverty and social exclusion" (A/HRC/7/15, para. 13). These definitions imply that poverty is inherently and inextricably linked to all forms of inequality, inequity and discrimination, as well as the powerlessness experienced by those who live in poverty, reinforcing the notion that, increasingly, poverty is being conceptualized and understood as a denial of human rights.

18. Proposed goal 1 carries over from Millennium Development Goal 1, on reducing extreme poverty, which stimulated significant progress and led to poverty reduction in varying degrees in countries around the world. However, the statistics and aggregate numbers that measured progress in poverty reduction failed to capture the inequalities attendant to poverty. In a recent statement, the United Nations High Commissioner for Human Rights pointed out that it is not only poverty that matters, but also where people are in relation to each other and how wide the gaps are between them.[13] Inequalities are rooted in deep structural divisions that perpetuate economic, social, cultural, political and other divisions among and between populations, and between countries across the globe. Inequalities can either be a cause or an effect of poverty in varying forms. Similarly inequality and poverty can either be the cause or the effect of violations, deprivations and denials of human rights. In order to move forward, genuine, people-centred development must recognize and deal with, as appropriate, the intersecting and mutually reinforcing phenomena of inequality and poverty.

19. Inequalities in wealth, power and resources exist between countries, within countries, and between men and women. Inequalities between women and men, and girls and boys, often intersect with the discriminatory gender roles assigned to them by society, in addition to other prohibited grounds for discrimination. Inequality can result from the operation of unrestrained markets and discrimination in laws, policies, practices or traditions.[13] Gender inequality arises from discrimination against women, which, in turn, also gives rise to violence against women in all its forms. Inequality is linked to discrimination in a vicious cycle of exclusion, poverty and denial of human rights. The first target of proposed goal 5 is to end all forms of discrimination against all women and girls, and the other targets focus on other means to empower all women and girls. However, proposed goal 5 — to achieve gender equality and empower all women and girls — does not make any explicit reference in its targets to women's rights and to the equal right of women and men to enjoy and exercise all their economic, social and cultural rights and their civil and

[13] "Equality and Non-Discrimination: A human rights imperative for the SDGs", statement by the United Nations High Commissioner for Human Rights, eighth session, Open Working Group on Sustainable Development Goals, 4 February 2014.

political rights. It is implausible for women and girls to be empowered, if their rights are not explicitly recognized, respected, protected and fulfilled.

20. Inequality is also evident among various groups within countries, between urban and rural communities, between regions and between countries of the world. In its targets, proposed goal 10 refers, inter alia, to achieving and sustaining by 2030 an income growth of the bottom 40 per cent of the population at a rate higher than the national average and the empowerment and promotion of the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status; and adopting policies to progressively achieve "greater equality". While a number of the targets of goal 10 relate to asymmetries in fiscal, wage and social protection, none of the targets call for measures to address the structural causes that turn natural historical and cultural variations and diversities among populations and between countries into antagonisms, divisions and even conflict, and tend to widen in scope and be reproduced across generations. Target 7 of proposed goal 4, on education, calls for promoting a culture of peace and non-violence, but refers to mere "appreciation" for, rather than to respect for and protection of, cultural diversity and of "culture's contribution to sustainable development". It may be obvious, but it should be stressed that the adoption of policies or promoting ideas, no matter how well intentioned, cannot move a goal forward unless coupled with effective action and enforcement.

21. Overcoming inequality and ending poverty is a human rights imperative that is protected in international human rights instruments. Although the word "poverty" is not mentioned in the International Covenant on Economic, Social and Cultural Rights, the major components of this phenomenon are addressed in its provisions. The provisions on equality and non-discrimination in law and in practice are common to both the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.[14] Taken together, these two international human rights treaties ensure the equal right of men and women to the enjoyment of all human rights, whether economic, social and cultural, or civil and political. Equality and non-discrimination are human rights principles firmly enshrined in the Universal Declaration of Human Rights and protected by international law, making them legally binding on all States. As such, equality and non-discrimination underpin the enjoyment of all human rights. The attainment of equality and the elimination of discrimination are non-derogable and are immediate obligations of States. Therefore the targets dealing with them should not fall within the time frames indicated for others, so as to align the targets with international human rights standards and international law.

22. As a fundamental human right on which other human rights intrinsically rely, the right to international solidarity must be enjoyed on the basis of equality and non-discrimination.[15] This right requires States to adhere to their obligations in accordance with the international human rights treaties they have ratified.[16] This right also establishes international solidarity as a new foundational principle of contemporary international law, which responds to the need for transformative

[14] See art. 3 of both the International Covenant on Economic, Social and Political Rights and the International Covenant on Civil and Political Rights.

[15] A/HRC/26/34, annex, art. 5 (1).

[16] Ibid., art. 8 (2).

change encompassing the objectives of equity, equality in outcome, sustainability, security, social justice and empowerment, applicable to all developing and developed countries alike.[17]

23. Proposed goals 1 to 11 are interlinked and the attainment of each goal has the potential of contributing to the dismantling of the structural barriers of equality and to ending poverty. The proposed goals in this cluster deal with aspirations relevant to social and economic development that determine a way of life or a standard of living. From a human rights perspective, these aspirations transform into entitlements — the equal right of men and women to the enjoyment of all human rights, the rights to work, to an adequate standard of living, including the rights to adequate housing, adequate food, water and sanitation, to the highest attainable standards of health and to education. These rights have a direct and immediate bearing upon the eradication of poverty and overcoming the inequalities that may be entrenched in institutions and deeply rooted in social values that shape relationships within households and communities. Furthermore, a rights-based approach requires that priority attention should be accorded to the marginalized and vulnerable, including those who live in poverty whose daily experience is characterized by powerlessness, lack of choices, capabilities and opportunities.

24. The right to international solidarity calls attention to such marginalized and vulnerable groups that are frequently neglected and not taken into account or not even considered as groups at all. The right specifically identifies them as rights-holders, including local and grassroots communities that have no voice because they are unable to represent themselves or are under-represented in, and isolated from, larger civil societies and organizations; and groups in social spheres that transcend national borders such as transnational and diaspora communities, including migrants and their families.[9] These rights-holders include indigenous peoples, many of them in remote communities living in forests, mountains and bodies of water, as their ancestor have done through generations. Their ancestral domain has been traditionally in close proximity to nature, from whose bounty they have derived their livelihood and evolved their culture and practices. Diaspora communities, including migrant workers and their families, are widely dispersed in foreign lands, away from their original country and environment, with a large number of them living in precarious conditions of informal employment in which they have no control over the circumstances that affect their present and future.

25. Proposed goal 2 and its targets aspire to end hunger, achieving food security and improved nutrition and promoting sustainable agriculture. All of these aspirations are encompassed within the right to adequate food, which is recognized in several instruments under international law. The International Covenant on Economic, Social and Cultural Rights deals more comprehensively with this right than any other instrument. It provides for the right to an adequate standard of living that encompasses adequate food, clothing and housing, and to the "continuous improvement of living conditions" and requires that immediate and urgent measures to ensure the fundamental right to freedom from hunger and malnutrition.[18] The notion of food security contained in proposed goal 2 is not the same as the right to adequate food, although food security is an important component of this right. The core content of the right to adequate food consists of the availability of food in a

[17] Ibid., art. 4 (1).

[18] International Covenant on Economic, Social and Cultural Rights, art. 11.

quantity and quality sufficient to satisfy the dietary needs of individuals, free from adverse substances, and acceptable within a given culture; and the accessibility of such food in ways that are sustainable and that do not interfere with the enjoyment of other human rights (E/C.12/1999/5, para. 8). The right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights. Similarly, the right to the highest standard of health as provided for in the same Covenant is closely related to and dependent upon the realization of other human rights, including the rights to food, housing, work, education, human dignity, life, non-discrimination, equality, the prohibition against torture, privacy, access to information and the freedoms of association assembly and movement. Proposed goal 3 targets contain determinants to physical health, but, for the most part, are silent on the determinants to the promotion of "well-being", which, like the term poverty, is open to interpretation, since social determinants involve value judgments taking into account particular cultural, political and economic contexts.

26. Target 1.3 of proposed goal 1, on the implementation of nationally appropriate social protection systems and measures for all, including floors, and by 2030 the achievement of substantial coverage of the poor and the vulnerable is indeed a welcome indicator for ending poverty, although it should also encompass inequality. The reference to nationally appropriate social protection systems, measures and floors appropriately recognizes that the each country is responsible for determining distinct policies to achieve its development objectives in the light of the particular circumstances of its social needs and fiscal constraints. However, their particular choices must be consistent with international human rights standards and the human rights treaty obligations they have ratified, as well as the international commitments and agreements they have made in various international forums. Social protection floors are defined by the International Labour Organization (ILO) as "nationally defined sets of basic social security guarantees which secure protection aimed at preventing or alleviating poverty, vulnerability and social exclusion". According to the Social Protection Floor Initiative, the social protection floor includes a basic set of essential social rights and transfers, in cash and in kind, to provide a minimum income and livelihood security for all and to facilitate effective demand for and access to, essential goods and services; and the supply of an essential level of goods and social services such as health, water and sanitation, education, food, housing, life and asset-saving information that is accessible for all. The social protection floor emphasizes the need to guarantee services and transfers across the life cycle from children to the economically active with insufficient income, to older persons, paying particular attention to vulnerable groups by considering key characteristics that cut across all age groups, gender, socio-economic status, ethnicity, disability, people living with HIV/AIDS, migrants, populations exposed and/or highly sensitive to adverse external effects such as natural hazards, extreme climate phenomena, etc.[19]

27. The comprehensive scope of ILO Recommendation 202 covers a wide range of possible targets listed under a majority of the proposed goals. The scope transcends the individual mandate of any single United Nations agency and requires the joint and coordinated effort of these agencies at the country level. ILO Recommendation 202 is founded on the right to social security, but encompasses the entire range of

[19] See ILO Recommendation 202; available from www.ilo.org/dyn/normlex/en.

economic, social and cultural rights. Thus, the obligations attendant to the International Covenant on Economic, Social and Cultural Rights are operational for States. In this regard, the application of the right to international solidarity is also operational, in particular, article 10, paragraph 3, of the proposed draft declaration, which provides that States shall be guided by ILO Recommendation 202 concerning national floors of social protection, with a view to securing universal access to social services. In relation to target 3, under proposed goal 9, calling for increasing the access of small scale industrial and other enterprises to financial services, including affordable credit and their integration into value chains and markets, this is also protected by the same article 10 in the draft declaration on the right to international solidarity in paragraph 2, which provides that States shall promote and prioritize support for micro, small and medium community-based cooperative enterprises that generate the majority of jobs around the world, including through national and international grants and concessional loans. Cooperatives are autonomous associations of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through jointly owned and democratically controlled enterprises. They work together for the sustainable development of their communities through policies approved by their members, and serve the cooperative movement through local, national, regional and international structures. Cooperatives have a proven record of creating and sustaining employment, providing over 100 million jobs today and contributing to the promotion of decent work.[20] These enterprises play significant economic and social roles in their communities and would strengthen the targets of proposed goal 8 on full and productive employment and decent work for the promotion of "sustained, inclusive and sustainable economic growth", as well as a number of the targets under proposed goals 4 and 10.

B. Building effective and accountable institutions and peaceful societies

28. The accomplishment of proposed goal 16 should be the crux of whatever means of implementation will eventually be decided in relation to the future sustainable development goals, not only with regard to its targets, but also for the rest of the proposed goals. Central to proposed goal 16 is the need to build effective and accountable institutions, and peaceful societies, at the national, regional and international levels. The conception of "the rule of law", which is referred to under this proposed goal, can vary among scholars and, in this context, it can essentially be formal and narrow. For the purposes of the present report, the rule of law is understood along the lines of a statement by the Secretary-General when he defined the rule of law as: "a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (S/2004/616, para. 6)". All the principles mentioned in this definition are equally important and relevant to the proposed goals, but given the limitations of this

[20] See www.ilo.org/empent/units/cooperatives/lang--en/index.htm.

discussion, three principles are given emphasis: governance, specifically, good governance — accountability, and participation in decision-making. These three principles are essential to attaining the targets and reaching the proposed goals.

29. Good governance can be simply defined as the exercise of authority through political and institutional processes that are transparent and accountable, and that encourage public participation.[21] The rule of law as defined above requires the establishment of a set of institutions, laws and practices to prevent the arbitrary exercise of power. However, these institutions and processes are not always effective, owing to a number of issues, including corruption, and thus fail to prevent the arbitrary exercise of power, and as a consequence the failure to deliver on development goals. Good governance is implicitly linked to human rights standards, for example, in ensuring access to basic services, including adequate housing and upgrading slums, target 1 under proposed goal 11, and to facilitating orderly, safe, regular and responsible migration through policies that are planned and managed in a manner consistent with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Good governance is a precondition to the effective protection of the environment in general and to achieving institutional capacity on climate change mitigation, adaptation, impact reduction and early warning in particular, as called for in proposed goal 13, and the prevention and reduction of marine pollution of all kinds, particularly from land-based activities required by target 1, under proposed goal 14.

30. Accountability is a complex issue whose definition has to be narrowed for the purposes of this discussion. From a human rights perspective, accountability refers to the obligation of actors, principally the State, to take responsibility for the impact of their actions or inactions on people's lives, to be answerable for them and to be subject to some form of enforceable sanction if their conduct has an adverse effect on the enjoyment of human rights. To demand accountability from policy makers and other actors in this regard contributes to moving development imperatives from the realm of charity to that of obligation, thus making it easier to monitor progress. While the State itself, as the principal duty bearer, determines the appropriate mechanisms of accountability, such mechanisms must be accessible, transparent and effective. Broadly speaking, there are four categories of accountability mechanisms: judicial, such as judicial review of executive acts and omissions; quasi-judicial, such as national human rights institutions and international human rights treaty bodies; administrative, such as the preparation, publication and scrutiny of human rights and environmental impact assessments; and parliamentary, such as parliamentary processes.[22] While an accountability mechanism provides for the right to an effective remedy before a domestic body and reparation of some form, it does not necessarily imply punishment.[22] Nevertheless, a remedy is effective only if the respective domestic authority has the competence to grant reparation, which can be of various possible types, depending on the seriousness of the offense. In addition, States should ensure that the competent authorities enforce such remedies when granted.[22] Accountability gives substance to building effective institutions of

[21] Office of the United Nations High Commissioner for Human Rights, *Good Governance Practices for the Protection of Human Rights* (United Nations, sales publication No. E.07.XIV.10).

[22] Office of the United Nations High Commissioner for Human Rights, "Principles and guidelines for a human rights approach to poverty reduction strategies".

good governance, and should thus be integrated into the means of implementation of the entire sustainable development agenda, in a holistic manner.

31. The draft declaration on the right to international solidarity informs the concept of good governance and accountability. It states that the duty-bearers of the right to international solidarity shall be primarily the States, as well as non-State actors working with peoples and individuals, and, as such, also bear responsibilities, many of which may be similar and complementary to the duties of States; that States should adhere to their obligations in accordance with the international human rights treaties they have ratified, and to the commitment and decisions they have agreed to on the regional and international levels; that non-State actors should abide by their ethical responsibilities and codes of conduct, and respect the right of peoples and individuals to international solidarity; and that States and non-State actors alike shall be guided by the principles on which international solidarity is founded.[23] In addition, it requires States to establish an appropriate institutional framework and adopt domestic measures to give effect to the right of peoples and individuals to international solidarity, in particular by ensuring and facilitating access for everyone to domestic and international legislative, judicial or administrative mechanisms;[24] so that they may exercise their right to seek and obtain redress where failure by States to fulfil their commitments made at the national, regional and international levels results in the denial and/or violation of human rights; and to seek and obtain redress where the actions and omissions by non-State actors at the national, regional and international levels adversely affect the exercise and full enjoyment of their human rights.[25]

32. Participation is premised on the notion that the proposed goals should be country-driven and country-owned, and implies ownership of the initiatives by the Government and all relevant stakeholders. There is no blueprint for participation because it plays a role in many different contexts and for different purposes. Participation can be broadly defined as the process by which stakeholders influence and share control over priority setting, policymaking, resource allocations and/or programme implementation. Participation in the planning and implementation of programmes to achieve the targets of the proposed goals is therefore critical, especially at the community level, in both urban and rural settings, the frontline where best practices can drive the impetus to move forward, including in programmes that relate to food security and sustainable agriculture, protecting the environment, safeguarding the cultural and natural heritage, sustainable consumption and production patterns, resilience and adaptive capacity to climate related hazards and natural disasters, protecting marine and coastal ecosystems, ending overfishing, management of forests and halting biodiversity loss.

33. The right to international solidarity requires States to take appropriate, transparent and inclusive actions to consult their populations, and to fully inform them of the decisions agreed upon at the national, bilateral, regional and international levels, in particular on matters that affect their lives.[26] States should adopt and effectively implement policies and programmes targeted to the protection and promotion of, inter alia, "... the right to participate fully and freely in decision-

[23] A/HRC/26/34, annex, art. 8 (2) and (3).
[24] Ibid., art. 10 (1).
[25] Ibid., art. 7 (h) and (i).
[26] Ibid., annex, art. 9 (2).

making from the local to the international levels".[27] Peoples and individuals have the right to form, join, interact with and participate in organizations, associations, networks and groups on the local, regional and international levels, "for the purposes of advocating and influencing policy decisions and outcomes that affect them"[28] and to contribute, individually or in association with others, to the development of the cultural life of the communities to which they freely choose to belong, at the national, regional and international levels.[29]

34. Climate change is a compelling issue that has captured world attention for its sheer force and magnitude. The effects of climate changes are manifested by extreme weather events that are dramatically changing the contours of land and seas, disrupting even the most stable economies and, most of all, causing the loss of lives and changing countless more. Climate change affects all populations in all countries, but the most vulnerable populations are those who live in poverty in developing countries. A future development agenda must confront and realistically anticipate that the impact of climate change can reverse in an instant all the progress in the development field that takes years to achieve and cause poverty levels to spike. Proposed goal 13 seeks to take "urgent action" to combat climate change and its impacts, but its targets do not reflect the sense of urgency in the actions it prescribes. This reticence may possibly derive from the acknowledgement that "the United Nations Framework Convention on Climate Change is the primary international, intergovernmental forum for negotiating the global response to climate change". Whatever limitations exist circumstantially, a future sustainable development agenda must establish safeguards to address the social, economic and environmental risks and consequences brought about by climate change. The right to international solidarity requires the active participation of peoples most affected by climate change, and for States to respect their right, carefully listen to their voices and to learn and find solutions from their experiences.

C. International cooperation: strengthening implementation and revitalizing global partnerships for sustainable development

35. Goal 8 of the Millennium Development Goals — develop global partnership for development — which focuses for the most part on what rich countries can and should do, has by far received the least attention for reasons too complex for this report to discuss. It can be said, however, that while goal 8 covers a range of aspirations, unlike the other Millennium Development Goals, it does not include a list of specific time-bound targets, making it harder to hold countries to account. Even the United Nations MDG Gap Task Force found it difficult to find areas of significant progress in relation to goal 8.[30] The use of the term "revitalize the global partnership" in the current proposed goal 17 arguably derives from the apparent lack of progress on goal 8 in the Millennium Development Goals framework. The illustrative goals recommended by the High-level Panel, on the one hand, do not explicitly refer to a global partnership, but all the targets under illustrative goal 12 — to create a global enabling environment and catalyse long-term

[27] Ibid., art. 9 (3).
[28] Ibid., art. 7 (c).
[29] Ibid., art. 7 (g).
[30] *The Global Partnership for Development: Making Rhetoric a Reality* (United Nations, sales publication No. E.12.I.5).

finance — imply global action. The targets relate to the global financial system, the trading system, official development assistance, tax evasion, science, technology, innovation and development data and holding down the increase of global average temperatures. On the other hand, the targets under proposed goal 17 directly refer to finance, technology, capacity-building, trade, policy and institutional coherence, multi-stakeholder partnerships, data, monitoring and accountability, along the lines of the outcome document of the United Nations Conference on Sustainable Development.

36. This analysis considers global partnership within a broader frame of reference: international cooperation, a core feature of international solidarity[31] that reaches beyond international cooperation among States and their international organizations, to also include actions between and among peoples and individuals and their collective actions to achieve common goals. The Charter of the United Nations in its Article 1 states that one of the purposes of the United Nations is to "achieve international cooperation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms". The notion of rights in this connection is derived from article 22 of the Universal Declaration of Human Rights, which states: "Everyone ... is entitled to realization, through national effort and international cooperation ... of the economic, social and cultural rights indispensable for his dignity and free development of his personality". This same articulation is also found in the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of the Child. International cooperation and assistance is an element of the right to development that was affirmed in the 1993 Vienna Declaration and Programme of Action. In paragraph 11 of the outcome document of the United Nations Conference on Sustainable Development, States reaffirmed their commitment to "strengthen international cooperation to address the persistent challenges related to sustainable development for all, in particular to developing countries".

37. International cooperation as a core feature of international solidarity is a key mechanism for realizing the right to international solidarity. The central purpose of the right to international solidarity is the creation of an enabling environment for the realization of human rights that may only be achieved through the collective action and international agreement of States. Fundamentally, the right to international solidarity goes beyond the concept and the practice of international cooperation and assistance, as in the case of official development aid, charity or humanitarian assistance. Rather, the proposed draft declaration articulates the right to international solidarity as much broader, encompassing a comprehensive and coherent conceptual and operational framework to regulate a spectrum of global governance issues, beyond the more limited instances of international cooperation in the development field. Beyond just international cooperation, the right to international solidarity requires the deployment of preventive solidarity aimed at proactively preventing and removing the root causes of inequalities between developed and developing counties and the structural obstacles that generate poverty worldwide, and creating an overarching enabling environment where all human rights can be progressively realized. Preventive solidarity, another core feature of international solidarity, is essential in achieving both intergenerational and

[31] A/HRC/26/34, annex, art. 3 (b).

intra-generational solidarity and is a vital component of the duty of States to provide and seek international cooperation and assistance in the implementation of their human rights obligations particularly their core obligations.[32]

38. The right to international solidarity represents a multidirectional, rather than a one-way, deployment of action, obligation and accountability across both developed and developing countries. As such, the right supports a kind of purposive cooperation whereby international agreements between States should be consciously oriented towards the benefit of peoples through the realization of rights, and requires that States comply with certain positive and negative obligations in their collective actions. In responding to global challenges, the right to international solidarity requires that international cooperation and global partnerships between and among States must ensure that the outcomes of agreements must be fully compliant with existing human rights obligations of States;[33] States are required to refrain, in their actions of international cooperation, from imposing conditions that would hinder the realization of human rights; and, international cooperation is based on equal partnerships, mutual commitments and obligations and mutual accountability.[34] The proposed draft declaration on the right to international solidarity extends its application beyond the official actions of State actors to also encompass the actions across borders undertaken together by peoples and individuals such as grassroots communities and transnational advocacy networks.[35]

39. As articulated in the proposed draft declaration, the right to international solidarity requires that States take measures to ensure the coherent and consistent application of their international human rights obligations across their international policymaking processes. The obligation of States relating to international cooperation should be understood and respected by their representatives to international negotiations on relevant issues. States should remember that international human rights obligations represent the minimum threshold below which no one in their jurisdictions should fall[22] and that their international development assistance should therefore support partner States to fulfil their international and national human rights obligations.

V. Conclusion

40. **The 2013 report of the High-level Panel of Eminent Persons noted with a sense of optimism that when the Millennium Development Goals were adopted in the 2000, Governments, international agencies and civil society organizations worldwide rallied behind the goals in the spirit of international solidarity. Working together, they contributed to the remarkable achievements during the past 13 years: there are now half a billion fewer people living in extreme poverty; about 3 million children's lives saved each year; four of five children now get vaccinated for a range of diseases; maternal mortality gets the focused attention it deserves; deaths from malaria have fallen by one quarter; contracting HIV is no longer an automatic death sentence; and, in 2011, a record number of 590 million children in developing countries attended**

[32] Ibid., art. 3 (a).
[33] Ibid., arts. 8 (2) and 9 (1).
[34] Ibid., art. 11 (2).
[35] Ibid., art. 9 (3) (4) (5).

primary school.[4] The message is that a new development agenda should not start from scratch because, despite the achievements, there is still much unfinished business. In this light, we honour what has been accomplished through the Millennium Development Goals by picking up from where they will leave off by 2015, and continue to bring the achievements forward through the future sustainable development goals.

41. The Independent Expert expresses her appreciation to the High-level Panel of Eminent Persons and the Open Working Group for their valuable work on the sustainable development illustrative goals and the proposed goals, respectively, and welcomes their reaffirmation of the importance of the Universal Declaration of Human Rights and international instruments relating to human rights and international law,[36] reflecting the common vision of the United Nations Conference on Sustainable Development.

42. The outcome of their work was, for the most part, the basis of the present report of the Independent Expert, which seeks to contribute to the ongoing process of formulating the future sustainable development goals that are consistent with universal human rights standards, focusing on the value added to those goals when they are framed by the right to international solidarity. The right to international solidarity represents a comprehensive and cross-cutting right with the ability and potential to shape sustainability in international relations, especially international economic relations, in equal partnerships and in the equitable sharing of benefits and burdens at a deep and transformative level, which is the clarion call for strengthening implementation and revitalizing global partnerships to achieve the future sustainable development goals.

43. The suggestions relating to the goals in the above discussion are far too numerous to enumerate at this point, but it bears noting that a number of them arise from the apparent disconnect in the formulation of the proposed goals from the claim that "people are at the centre of sustainable development".[37] The proposed goals, as they are currently formulated, give the impression of people being passive beneficiaries, rather than active agents of transformative change, upon whose active participation critically lie the success and sustainability of development efforts. For example, no reference is made regarding the free and prior informed consent of indigenous peoples, which empower them to guard against the degradation of the forests and natural bodies of water where they live in close proximity, constituting the first line of defence in coping with natural hazards and mitigating the negative effects of climate change related extreme weather events. Migrant workers are mentioned in the targets only in terms of their mobility, not taking into account their contributions to the real economy of their own countries and their host countries, and the need to address their situation of vulnerability to exploitation and oppression. The rights to food, housing, health and education are mentioned in abstract terms and not in the context of how these rights relate to rights-holders. To be truly people-centred, the future sustainable development goals should directly refer to, rather than merely imply, human

[36] Introduction to the proposal of the Open Working Group for Sustainable Development Goals, para. 7.

[37] Ibid., para. 4.

rights. In its current form the proposed goals do not contain explicit references to women's rights, indigenous peoples' rights and the rights of migrant workers and their families, among others.

44. The Independent Expert recognizes that in setting the agenda, there are no blueprints and that one size does not fit all. Hence, indeed there should be space for national policy and adaptation to domestic settings guided by the "overall vision and its underlying principles", but these should be consistent with international law. In this context, the integration of accountability mechanisms into the future sustainable development goals is imperative. The Independent Expert calls on States to be mindful of their already existing human rights obligations, which they voluntarily accepted upon ratifying the various international human rights treaties. It is therefore incumbent upon them, and in their best interests, that the goals should be consistent with and grounded on human rights so that the achievement of those goals would at the same time be in fulfilment of their human rights treaty obligations.

45. The above discussion and observations constitute a reasoned argument for a rights-based future sustainable development agenda, through the application of the emergent right to international solidarity that encompasses the comprehensive scope of such an agenda, at the international and national levels. The Independent Expert, recognizing that the achievement of the future sustainable development goals, requires international solidarity, draws a few insights and illustrative points from the proposed draft declaration on the right to international solidarity and offers them as recommendations for consideration in taking the way forward.

46. Respect for human rights and the rule of law require effective and accountable institutions at all levels, from the national and regional levels to the international level. In the elaboration and implementation of their international agreements, States should ensure that the procedures and outcomes are fully consistent with their human rights obligations in matters pertaining to, inter alia, international trade, investment, finance, taxation, climate change, environmental protection, humanitarian relief and assistance, development cooperation and security.

47. A United Nations development agenda calls for the coherent and consistent application of international human rights obligations across the international policymaking processes to guide the goals. For example, the obligation of States relating to international cooperation should be respected and fully taken into account by State representatives in the field of international relations; for example, those in finance and trade during international negotiations on relevant issues, and by State representatives who are responsible for multilateral development policies and projects, including those who are in the international financial institutions.

48. The United Nations is in a position best suited to provide the platform for reporting and review through a strengthened monitoring and accountability framework that will build on the work already being done by the United Nations human rights treaty bodies and the special procedures of the Council. Such a platform should ensure the active and meaningful participation of civil society, including non-governmental organizations, the private sector, media

and other relevant stakeholders, especially the youth to whom the future belongs.

49. Implementation of the goals at the national level requires the State to support and enable a robust, vibrant civil society to be its partner in government efforts for service delivery and advocacy, and in promoting accountability of all actors in the implementation of the future sustainable development goals.

50. International cooperation is a duty of States and targeted to the primary responsibility of each State to implement its human rights obligations on the national level. States should establish and implement appropriate mechanisms to ensure that international cooperation is based on equal partnerships and mutual commitments and obligations where partner States are accountable to each other as well as to their respective constituents at the national level. Global partnerships, when positioned within this broader frame of international cooperation, could regain some of the momentum and credibility lost within the Millennium Development Goal 8 framework.

51. The Independent Expert reaffirms her observation that, despite invocations of human rights that come so easily to the fore when violations occur or are undeniably evident, the true value of human rights as a positive intervention in the scheme of world affairs continues to be in the realm of abstraction and lip service. Recognizing that we have been remiss in this regard would be a genuine paradigm shift and taking corrective action would indeed be the one transformative shift that would affect any and all future sustainable development goals.